

Friday, May 28, 2021

## **Proper Training and Use of Force General Order Review**

St. Ann Police Department / Use of Reasonable Force: Regulations and Procedures

Re: St. Ann Police Departmental General Order 1.3.1

This report incorporates information received to date and relies on materials presented to me via James P. Towey, McCarthy, Leonard, Kaemmerer, LLC to include digital videos, police reports, and related court documents pertaining to Plaintiff Kolb.

### **Introduction:**

I was contacted by James Towey and advised of Mr. Kolb's Second Amended Complaint, wherein Mr. Kolb alleges he was injured by Defendant Ellis Brown on April 9, 2019. I was asked to render my professional review of St. Ann's Use of Force Policy, 1.3.1, solely.

### **Compensation for Study/Testimony in the Case:**

The expert compensation that is expected to be paid in this case is as follows:

1. **Initial Retainer** - which includes case review, research, communications with counsel, etc. is a flat-fee non-refundable retainer of \$1500.00 plus expenses. This initial retainer does not include report generation, on-site research, testimony, expenses, or the like.
2. **Report** - the additional flat fee for a written report is \$1000.00. Any additional report, including supplemental report, will each be invoiced a separate and additional flat fee of \$500.00.
3. **Testimony, On-Site Visit/Research, Extraordinary Services** - are invoiced at an hourly fee of \$170.00 per hour, plus expenses. Research document retrieval, accumulation, etc. will be invoiced as additional hourly fees. If the deposition is noticed as a video recorded deposition, or is recorded, there is an additional flat fee of \$500.00.

## **Qualifications:**

My full qualifications are described in the attached curriculum vitae. To summarize, I am a retired sergeant of the St. Louis Metropolitan Police Department (1995-2015), located in the state of Missouri, where I held the position and rank of police officer, detective, sergeant, use of force unit supervisor, and department use of force subject matter expert. As the use of force subject matter expert I designed and supervised the curriculum and written policy of all firearm, less lethal weapons, and empty hand control technique training for recruits/cadets and commissioned police officers. All curriculum and training documents continue to meet Missouri Police Officer Standardized Training "P.O.S.T." and the Commission on Accreditation for Law Enforcement Agencies, Inc. "C.A.L.E.A." requirements and mandates.

I am certified as a Use of Force "National" Instructor with the National Law Enforcement Training Center, N.R.A. Firearms Instructor, TASER Master Instructor, and hold a General and Specialist certification with the Missouri Police Officer Standardized Training "P.O.S.T." agency.

From 1997 to 2015, while employed with the St. Louis Metropolitan Police Department I provided security consulting, training, and uniformed police security to approximately 22 liquor establishments in the Downtown, Central West End, and Laclede's Riverfront areas which are all densely populated by dance clubs, lounges, and sports bars. During that time I observed several hundred bar fights in the City of St. Louis.

I am the president of Security Concepts International, LLC and co-founded the company in 2002. Security Concepts International is a company dedicated to creating safe resolutions through employee training and education to avoid violent situations in the work place. As the lead trainer for S.C.I. I have trained and certified several hundred clients in S.C.I.'s Self Defense and Control Tactics Systems.

## **Materials Reviewed:**

In preparing my report, I reviewed the following materials.

St. Ann Use of Force General Order- 1.3.1  
St. Ann Police Report- 19-00427  
FBI Draft Report- 10/30/19, FBI Special Agent Matthew P. Brummund / Ellis Brown Interview (302)  
Pursuit Involvement Report- P.O. Smedley, DSN 165  
Investigative Report- CDR. Jeffrey Tesdall, DSN 129  
Internal Affairs Investigation Report- Case # 2019-04  
SSM STL University Hospital Discharge Summary- Mr. Kolb  
Video Depicting the Use of Force Tactics of Ellis Brown

Based on my review of the above materials and my training, education, experience, and professional qualifications in use of force and police tactics my testimony will be to educate the finder of fact on the general principles of police use of force.

I will be discussing the St Ann Use of Force policy generally and its compliance with CALEA standards and the significance of the CALEA standards.

I will discuss the Use of Reasonable Force: Less Lethal Weapons of the St Ann Use of Force Policy as it relates to hands, fists, and feet and the training appurtenant there to.

I will discuss the issues for the arresting officer when a suspect tucks the hands underneath the body when attempting to be taken into custody, the issues related to that action and its effect on a reasonable police officer in that circumstance. I will discuss the training an officer receives when encountering this scenario and other circumstances when these lesser use of force is used.

I will also discuss the circumstances when mace can be deployed and the training involved with deployment.

I would also discuss whether Ellis Brown's use of force was in compliance with his training.

A handwritten signature in black ink, appearing to read 'C. Tucker', written over a horizontal line.

Christopher B. Tucker  
President, Security Concepts International, LLC